IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

FRIDAY, THE 17TH AUGUST 2007 / 26TH SRAVANA 1929

CRL.A.No. 337 of 2002()

CC.311/1999 of CHIEF JUDICIAL MAGISTRATE COURT, THALASSERY

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APPELLANT: PETITIONER/COMPLAINANT

K.JAYAENDRAN S/O.GOVINDAN,AGED 56 YEARS
RESIDING AT CHODAPARAMBIL,ALAVIL,KANNUR-8

BY ADV. SRI.K.S.MADHUSOODANAN
SRI.C.P.PEETHAMBARAN

RESPONDENTS: ACCUSED AND FORMAL PARTY

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1. C.C.KRISHNAN,AGED 52 YEARS,SHANTHA KRISHNAN,NISHANTHAN,R.V.METTA,P.O.TRIVERI,KANNUR.

2. STATE OF KERALA,REPRESENTED BY THE PUBLIC PROSECUTOR,HIGH COURT OF KERALA,ERNAKULAM.

BY PUBLIC PROSECUTOR, SRI AMJAD ALI

THIS CRIMINAL APPEAL HAVING BEEN FINALLY HEARD ON 17/08/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.R.UDAYABHANU, J.

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Crl.A.No.337 of 2002(A)

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Dated this the 17th day of August, 2007

J U D G M E N T

The appellant is the complainant in C.C.No.311/1999 in the file of the Chief Judicial Magistrate, Thalassery, with respect to the proceedings initiated under Section 138 of the Negotiable Instruments Act. The accused was acquitted under Section 256(1) of the Code of Criminal Procedure. It is submitted that the lapse was occasioned due to unavoidable circumstances.

In the circumstances, the order of acquittal is set aside. The court below is directed to permit the appellant/complainant to further pursue the matter and dispose of the case on merits. The appellant shall appear before the court below on 18/09/2007. The court below shall issue fresh summons to the accused.

The appeal is allowed.

K.R.UDAYABHANU,
Judge

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K.R.UDAYABHANU, J.

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Crl.A.No.337 of 2002(A)

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J U D G M E N T

17th August, 2007